

## NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.
---

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

**In re KEVIN C., a Person Coming  
Under the Juvenile Court Law.**

**THE PEOPLE,**

**Plaintiff and Respondent,**

**v.**

**KEVIN C.,**

**Defendant and Appellant.**

**A124234**

**(Contra Costa County  
Super. Ct. No. J05-02089)**

Defendant Kevin C., born in April 1991, appeals orders of the juvenile court declaring him a ward of the court (Welf. & Inst. Code, § 602) and ordering his commitment to the Youth Offender Treatment Program (YOTP) until he reaches age 21, after he was found to have committed residential burglary (Pen. Code, §§ 459, 460, subd. (a)) and admitted violating his probation. His counsel has advised that examination of the record reveals no arguable issues. (*Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) Counsel informed defendant in writing that a *Wende* brief was being filed and that he had the right to personally file a supplemental brief in this case within 30 days. No supplemental brief has been filed.

### BACKGROUND

In February 2006, defendant was first adjudged a ward of the court after he admitted committing felony automobile theft (Veh. Code, § 10851, subd. (a)) and

misdemeanor hit-and-run driving (Veh. Code, § 20002, subd. (a)). In March, he was on home supervision for 90 days and placed on deferred entry of judgment for three years. (Welf. & Inst. Code, § 790 et seq.) In December, deferred entry of judgment was lifted and the two counts were sustained. In January 2007, defendant was committed to the Orin Allen Youth Rehabilitation Facility (OAYRF) for six months with credit for time served. In May, defendant was ordered detained in juvenile hall for 30 days after his parole from the OAYRF was terminated unsuccessfully. In August, he admitted violating probation by leaving home without permission. As a result, he was committed to an additional six months at OAYRF.

In January 2008, a supplemental juvenile wardship petition was filed alleging defendant again left home without permission. In March, defendant admitted the violation, his parole was terminated unsuccessfully, and he was placed with his aunt. In July, a probation violation hearing was held after defendant left home without permission for approximately two weeks. A bench warrant issued when defendant failed to appear at the probation violation hearing.

On November 24, 2008, the subject juvenile wardship petition was filed alleging that, on November 20, defendant committed residential burglary (Pen. Code, §§ 459, 460, subd. (a)). At the contested hearing on the petition, Michael Baesman identified defendant as one of three young males who were passing items of personal property over a fence and then into a blue house on Bayside in Oakley. Burglary victim Jared McClanahan arrived at his Oakley home on November 20 and found it had been burglarized. Police officers escorted McClanahan to the blue house, about 50 yards away from McClanahan's home, where McClanahan identified items taken in the burglary. Oakley Police Officer Brooks was dispatched in response to Baesman's report of a suspected burglary. Baesman directed Brooks to the blue house, where Brooks found defendant and two other persons hiding in the attic. A fourth person was found hiding in a neighbor's backyard.

Defendant testified he arrived at the blue house the night before the burglary to visit his girlfriend. He and six others spent the night at the house. Four of the people

staying there, “Clement . . . , Myron, Marlin and Rob,” planned the burglary, but defendant did not know which house was the burglary target. The following day, Clement, Myron, Marlin and Rob put gloves on and left the blue house while defendant remained at the blue house with the two girls who were staying there. Thereafter, the four men returned to the blue house carrying computers and other items. A few minutes later, Clement said he saw two police cars in front of the house. Clement, Myron, Marlin and Rob began putting the stolen equipment in a closet. Clement used defendant’s cell phone to try to misdirect the police to a different location. Defendant hid in the attic with the others because the arrest warrant had issued for his probation violation.

Thereafter, defense counsel requested a continuance to contact the two young women staying at the blue house. The request was properly denied. Defendant refused to waive time for counsel to interview the two women.

The court found true the allegation of the subject supplemental petition. Defendant chose to admit he violated probation in June 2008 by leaving home without permission so that the probation violation could be considered in conjunction with the disposition on the supplemental petition. The court found there was a factual basis for the admission and that defendant had knowingly, voluntarily and intelligently admitted the violation.

The December 2008 probation report opined that defendant had failed to adjust to probation and his criminality was escalating in severity. As a result, it recommended increased consequences and a secured therapeutic setting at the YOTP was appropriate.

At the disposition hearing, defendant denied committing the burglary and urged the court to place him with family members. The court ordered a mental health assessment and continued the matter. The mental health assessment opined that although defendant had been at juvenile hall 10 times, his behavior was volitional and not linked to any identifiable mental illness. The court committed defendant to YOTP until he turns age 21 and calculated his maximum term of confinement as seven years with 401 days of custody credit.

Defendant was adequately represented by counsel at every stage of the proceedings, and appeared at every hearing. We conclude there are no arguable issues.

DISPOSITION

The order is affirmed.

---

SIMONS, J.

We concur.

---

JONES, P.J.

---

BRUINIERS, J.